IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 9976 of 2007(K)

PETITIONER:

D.OMANA AMMA, W/O LATE BHASKARAN NAIR,
GOPEESWARI, KUREEPUZHA P.O., PERINADU, KOLLAM.
(FROM INDU NIVAS, KOODALI P.O., KANNUR, 670592).

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENTS:

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1. THE ACCOUNTANT GENERAL(A&E),
KERALA, THIRUVANANTHAPURAM.

2. THE ACCOUNTS OFFICER,
OFFICE OF THE ACCOUNTANT GENERAL(A&E),
KERALA, THIRUVANANTHAPURAM.

3. THE REGIONAL MANAGER,
REGIONAL OFFICE, SYNDICATE BANK,
THIRUVANANTHAPURAM.

4. THE BRANCH MANAGER,
SYNDICATE BANK, PANAVELI, KOTTARAKKARA.

5. THE DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.

6. STATE OF KERALA, REP.BY SECRETARY TO GOVT.,
HEALTH DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

(ADDL.R5 and ADDL.R6 IMPLEADED AS PER ORDERS IN I.A.NOs.4920/2007 and 12005/2007 DTD.1.10.2007)

BY ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.9976 of 2007

Dated this the Ist day of October, 2007

JUDGMENT

Petitioner's husband Bhaskaran Nair, after superannuation in 2002, died on 18.11.1995. Petitioner is entitled to receive family pension due under the account of late Bhaskaran Nair.

2. Apparently, during his life time Bhaskaran Nair had pledged his pension payment order with the 4th respondent Bank and had obtained a loan. The petitioner contends that the pension payment order in original is with the Bank authorities and she was required to appear before them, apparently, with a view to get an undertaking from her because she was also a surety for the loan availed by Bhaskaran.

2. In a counter affidavit filed by the 4th respondent, this allegation has been denied. According to them, there are amounts due under the account of Bhaskaran who had availed a loan and they are entitled to recover it from the petitioner as well. But the original of the pension payment order is not with them.

3. By I.A.12005/2007, the petitioner has sought for impleading the Director of Health Services and the State of Kerala as additional respondents 5 and 6. By a separate order passed by me that

application has been allowed.

4. After having heard the learned counsel for the petitioner, learned standing counsel for the Bank and the Government Pleader, the writ petition is disposed of as follows:

5. The first respondent shall take steps to issue a pension payment order for family pension in favour of the petitioner, if the eligibility of the petitioner to receive family pension is not otherwise in dispute, within a period of three weeks from the date of receipt of a copy of this judgment, which the petitioner shall produce before the first respondent within one week of the date of receipt of a copy. On receipt of the family pension order, petitioner will be entitled to receive family pension due and admissible to her from the appropriate Treasury Branch.

6. If respondents 3 and 4 are entitled to receive any amount from the petitioner as a surety for the loan availed by late Bhaskaran Nair, on the premise that the petitioner is a legal heir of Bhaskaran Nair, they are at liberty to take appropriate steps against the petitioner and her assets, in accordance with law.

V. GIRI, JUDGE

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